

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALYSON GRIFFIN,

§

Plaintiff,

§

V.

§

CIVIL ACTION NO. _____

CORNERSTONE MORTGAGE COMPANY, §
AND CORNERSTONE MORTGAGE §
PARTNERS OF TEXAS, L.P. §

§

Defendants.

§

DEFENDANTS' NOTICE OF REMOVAL

TO: United States District Court Clerk
For the Southern District of Texas
Houston Division
515 Rusk Street
Houston, TX 77002

Clerk of the 269th Judicial District Court
Harris County District Courthouse
201 Caroline, 1st Floor
Houston, TX 77002

Nasim Ahmad
Delana Cline
Cline | Ahmad
21 Waterway, Suite 300
The Woodlands, TX 77380

Joseph Y. Ahmad
Ahmad, Zavitsanos, Anaipakos,
Alavi & Mensing, P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010

PLEASE TAKE NOTICE that Defendants Cornerstone Mortgage Company and
Cornerstone Mortgage Partners of Texas, L.P. ("Defendants"), remove this civil action from the

269th Judicial District Court of Harris County, Texas pursuant to 28 U.S.C. §§ 1331 & 1441(a)-(c). The grounds for removal are set forth below:

1. On September 14, 2012, Plaintiff Alyson Griffin (“Griffin”) commenced a civil action now pending in the 269th Judicial District Court of Harris County, Texas against Cornerstone Mortgage Company (Ex. A) (certified copy of Original Petition). This action was not removable, because it alleged only state law claims against Cornerstone Mortgage Company, a non-diverse defendant with its principal place of business in Houston, Texas.

2. On September 17, 2012, Griffin filed a First Amended Petition against Cornerstone Mortgage Company and Cornerstone Mortgage Partners of Texas, L.P. (Ex. B) (certified copy of First Amended Petition). This action is removable, because it alleged federal claims against Defendants, under the two federal laws, the Equal Pay Act, and Title VII of the Civil Rights Act of 1964. As required under 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days of service of Griffin’s First Amended Petition.

3. On September 19, 2012, Defendants executed a waiver of service (Ex. C) (copy of waiver of service).

4. There are no other parties to the state court action. The lawsuit is recorded on the docket of the 269th Judicial District Court of Harris County, Texas as Cause No. 2012-53667 (“the Harris County action”).

5. Defendants have filed an Answer in the Harris County action, a true and correct certified copy of its Answer is attached and incorporated by reference for all purposes as Exhibit D.

Removal Based on Federal Question

6. This Court has federal question jurisdiction over Plaintiff’s claims against Defendants under the Equal Pay Act and Title VII. Accordingly, removal is proper under 28

U.S.C. §§ 1331 and 1441(a)-(b), and the Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1441(c).

7. Promptly upon the filing of this Notice of Removal, Defendants shall file a Notice of Filing of Notice of Removal, with a copy of this Notice of Removal, with the 269th Judicial District Court of Harris County, Texas and serve a copy thereof on Plaintiff through her counsel. A copy of Defendants' Notice of Filing Notice of Removal is attached hereto and incorporated herein by reference for all purposes as Exhibit E.

8. Pursuant to Local Rule 81, the following documents have been attached to this Notice of Removal:

1. Plaintiff's Original Petition; (Exhibit A);
2. Plaintiff's First Amended Petition (Exhibit B);
3. Defendants' Executed Waiver of Service (Exhibit C);
4. Defendants' Original Answer (Exhibit D);
5. Notice of Filing Notice of Removal (Exhibit E);
6. No orders have been signed by the state court judge;
7. A copy of the docket sheet from the Harris County District Court (Exhibit F);
8. A list of all counsel of record, including addresses, telephone numbers and parties represented (Exhibit G); and
9. An Index of Matters Being Filed (Exhibit H).

Respectfully submitted,

OBERTI SULLIVAN LLP

By: s/ Edwin Sullivan

Mark J. Oberti

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on counsel of record through the Southern District of Texas ECF system or via certified mail, on this the 12th day of October 2012.

Nasim Ahmad
Delana Cline
Cline | Ahmad
21 Waterway, Suite 300
The Woodlands, TX 77380

Joseph Y. Ahmad
Ahmad, Zavitsanos, Anaipakos,
Alavi & Mensing, P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010

s/ Mark J. Oberti
Mark J. Oberti

CERTIFICATION OF NOTIFICATION TO DISTRICT COURT

I further certify that I caused a copy of this Notice of Removal to be filed with the clerk of the 269th Judicial District Court of Harris County, Texas in accordance with 28 U.S.C. § 1446(d).

s/ Mark J. Oberti
Mark J. Oberti